APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,747	10/24/2000	Roger D Melen	4863(CFP1587US)	1555

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/695,747	MELEN ET AL.
	Examiner	Art Unit	
	Mary Cheung	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 October 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-38* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
    Paper No(s)/Mail Date _____ .   6) ☐ Other: _____ .

DETAILED ACTION

Status of the Claims

1. This office action is in response to the amendment filed on October 18, 2004.

Claims 1-38 are pending. Claims 1, 24 and 38 have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-38 are partially not persuasive, and

partially moot in view of the new ground(s) of rejection.

The applicant argues that the numbers or the orders that assigned to the

fragmented files in Barker's teaching (U. S. Patent 6,233,252) does not correspond to

the indirect reference that includes a code identifying the electronic document intended

for the recipient as claimed in the independent claims 1, 24 and 38. Examiner

respectfully disagrees because the numbers or the orders in Barkers' teaching are

sequence codes that identify each fragmented files so that the fragmented files can be

reassembled for the recipients according to said numbers or said orders (column 3 lines

25-62).

The applicant further argues that Barker fails to disclose a notification of a

recipient of indirect reference that contains a code identifying an electronic document

folder. As discussed in the preceding paragraph, Barker teaches indirect reference that

contains a code identifying an electronic document folder. In the previous office action

and the present office action below, examiner has shown that Miller (U. S. Patent

6,151,696) teaches the limitation of notifying a recipient (column 6 lines 30-55). Thus,

the combined teaching of Barker and Miller teaches a notification of a recipient of

indirect reference that contains a code identifying an electronic document folder.

In Regards to the applicant's argument that Miller does not teach the amended

limitation that a destination server is selected from a plurality of servers, examiner has

implemented Nozaki's teaching (U. S. Patent 6,128,644) to fulfill this amended

limitation. In particular at column 8 line 57 – column 9 line 11 and Figs. 5-6, Nozaki

teaches selecting a destination server from a plurality of servers.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8-10, 17, 21-30 and 38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Barker et al., U. S. Patent 6,233,252 in view of Miller et al., U. S.

Patent 6,151,696, and in further view of Nozaki, U. S. Patent 6,128,644.

As to claim 1, Barker teaches a method for controlling a server in order to

distribute document folders (document fragments or large size documents) to receiving

devices of recipients, wherein the server is a member of system that includes at least

one sending device, a plurality of servers, and at least one receiving device, said

method comprising (abstract and Fig. 1):

a) Temporarily storing an electronic document folders sent from the sending

device, the electronic folder comprising at least one document is taught by

Barker as a large size document or document fragments are sent from a sending

device, the large size document comprising at least one document fragment, and

said document fragments are later to be reconstructed to the original scheme

(column 2 line 53 – column 3 line 29 and Fig. 1);

b) Receiving by a recipient of the electronic document folder with an indirect

reference, the indirect reference including a code to identify the electronic

document folder intended for said recipient is taught by Barker as a recipient

receives document fragments, and each document fragment has an indirect

reference and the indirect reference including a code (i.e. number or order of the

document fragment) for identifying and reassembling the document fragments

(column 3 lines 26-62);

c) A destination sever can be access from the receiving device of the recipient

(column 3 lines 4-19);

d) Accumulating the temporarily stored document fragments at the selected

destination server, wherein the receiving device of the recipient can retrieve the

accumulated electronic document folder from the destination server via a network

based on the code included in the indirect reference, the code being used to

identify the electronic document folder intended for said recipient (column 3 lines

4-19, 52-62 and Fig. 2).

Barker does not specifically teach notifying the recipient of the electronic

document folder with an indirect reference. However, Miller teaches this matter (column

6 lines 30-55). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to allow Barker's teaching to include the feature of notifying the

recipient of the electronic document folder with an indirect reference for ensuring the

reception of the data.

Barker modified by Miller does not specifically teach selecting a destination

server from the plurality of servers based on data provided by said recipient, the data

including address information of the destination server designated by the recipient.

However, Nozaki teaches this matter (column 6 lines 54-56 and column 8 line 57 –

column 9 line 37 and Figs. 5-6). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to allow the teaching of Barker modified by

Miller to include the feature of selecting a destination server from the plurality of servers

based on data provided by said recipient, the data including address information of the

destination server designated by the recipient for better balancing the load capacity of

each server.

As to claims 2-4, Barker teaches a method for distributing document fragments to

recipients as discussed above. Barker does not explicitly teach the data provided by

the recipient is selected from the group consisting of document reception address data

and additional document reception data. However, Miller teaches the data provided by

a recipient consisting of document reception address data and additional document

reception data (column 4 lines 12-16 and column 6 lines 30-55). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to allow the

data provided by the recipient in Barker to include document reception address data

and additional document reception data so that the document fragment can be better distributed to the recipients.

As to claim 5, the indirect reference to the electronic document folder comprises a folder code containing information needed to retrieve the electronic document folder is taught by Barker as the indirect reference to the document fragment containing information needed for retrieving the document (column 3 lines 26-30, 58-62).

As to claim 8, Barker teaches modifying (fragmenting) data for the best recipient use with regard to capabilities of a receiving device at said destination server (abstract and column 3 lines 26-29).

As to claim 9, Barker teaches a method to securely distribute document fragments to recipients as discussed above. Barker does not specifically teach sending acknowledgment to a sender. However, Miller teaches this matter (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Barker to send acknowledgment to a sender because it would allow the sender to know the status of the transmitted documents so that the documents would be transmitted more efficiently.

As to claim 10, Barker teaches a recipient retrieving the electronic document fragment based upon providing information contained in said indirect reference (column 3 lines 26-29, 58-62).

As to claim 17, Barker does not explicitly teach the document folders are sent using virtual private network security. It would have been obvious to one of ordinary skill in the art to allow the method document folders to Barker to be sent through virtual

private network security because this commonly used network system would allow the user securely transferring information.

As to claims 21-22, Barker does not explicitly teach sending a notification via email or over a cellular phone. It would have been obvious to one of ordinary skill in the art to allow Barker to delivery a notification by these commonly known method (via email or over a cellular phone) so that the recipient can quickly and economically receive a notification.

As to claim 23, converting a sent electronic document folder into a page description language before sending a link to the electronic document folder to a recipient is taught by Barker as fragment the document to smaller sizes before delivering it a recipient (column 3 lines 26-29 and Fig. 1).

As to claim 27, Barker teaches at least one of device is from the group comprising a scanner, a facsimile machine, and a computer (Fig. 1).

As to claim 28, Barker teaches the receiving device is from the group comprising a web-enabled personal computer, a web-enabled printer, a web-enabled digital copier, and a web-enabled Internet appliance (Fig. 1).

Claims 24-26, 29-30 and 38 are rejected for the similar reasons as claims 1, 5, 8, 10 and 23.

5. Claims 6-7, 11-16 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., U. S. Patent 6,233,252 in view of Miller et al., U. S. Patent 6,151,696 and Nozaki, U. S. Patent 6,128,644, and in further view of Kovnat et al., U. S. Patent 5,619,649.

As to claim 6, Barker modified by Miller and Nozaki teaches folder code as discussed above. Barker does not specifically teach the folder code is a privacy code. The privacy code is taught by Kovnat as a pin number. Kovnat teaches each information (job) is assigned to a pin number, and user needs to the pin number to retrieve the information (Figs. 16-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the folder code (or the indirect reference) of Barker to be a pin number so that only the authorized user can retrieve the information.

As to claim 7, Barker modified by Miller and Nozaki teaches folder code as discussed above. Barker does not specifically teach the folder code is a mediacard data, said media card data delivered to each recipient prior to said recipient's accessing an electronic document folder. Kovnat teaches each information (job) is assigned to a pin number, and user needs to the pin number in order to access the information (Figs. 16-17). Kovnat does not specifically teach the pin number is mediacard data; however, it well known in the art the pin number is can be issue on paper, on a card, or through email, etc. It would have been obvious to one of ordinary skill in the art to allow the pin number to be issue on a mediacard so that the recipient can carry around for remotely accessing the information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the folder code (or the indirect reference) of Barker to be a media data so that only the authorized user can retrieve the information.

As to claims 11-14, Barker modified by Miller and Nozaki does not specifically teach authentication step. However, Kovnat teaches authentication step (Figs. 16-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Barker to include the authenticate step for better securing the information.

As to claim 15, Barker modified by Miller and Nozaki does not specifically teach at least one document within a sent document folder has a printable representation. However, Kovnat teaches this matter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow to method of Barker to include a printable document so that some of information can be printed for better viewing.

As to claim 16, Barker modified by Miller and Nozaki teaches does not explicitly teach at least one document folder comprises exactly one document. However, this matter is taught by Kovnat as each transmitted packet has a limited size (column 7 lines 33-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Barker to include at least one document folder comprises exactly one document so that some of the documents do not need fragmentation if the size of the document is small.

Claim 37 is rejected for the similar reasons as claims 11-14.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., U. S. Patent 6,233,252 in view of Miller et al., U. S. Patent 6,151,696 and Nozaki, U. S. Patent 6,128,644, and in further view of Walker et al., U. S. Patent 5,862,223.

As to claim 18, Barker modified by Miller and Nozaki does not specifically teach charging a recipient upon the recipient's taking delivery of an electronic document folder when the electronic document folder has been sent C. O. D. However, this matter is

taught by Walker as a C. O. D. system that requires recipient to pay prior to delivery (column 22 lines 12-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Barker modified by Miller and Nozaki to include the C. O. D. system so that the sender can be surely paid.

7. Claims 19-20 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., U. S. Patent 6,233,252 in view of Miller et al., U. S. Patent 6,151,696 and Nozaki, U. S. Patent 6,128,644, and in further view of Griswold, U. S. Patent 5,940,504.

As to claims 19-20, Barker modified by Miller and Nozaki does not specifically teach charging the recipient when the document folder has been stored on a network beyond an agree-upon period of time. Griswold teaches the license is expired is the present date is greater than license termination date (Fig. 7). Griswold does not specifically state charging the user if the product is used beyond the license termination date. It would have been obvious to one of ordinary skill in the art to allow Griswold to charge the user if the product is used beyond the license termination date so that the licensing owner can be better compensated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Barker modified by Miller and Nozaki to include charging recipient if the document if used beyond an agreed period of time so that the sender can be better compensated.

As to claim 34, the method of Barker modified by Miller, Nozaki and Griswold does not specifically teach sending C. O. D. It would have been obvious to one of

ordinary skill in the art to allow the modified method to include sending C. O. D. so that

the sender can be surely paid.

Claims 31-33 and 35-36 are rejected for the similar reasons as claims 19-20.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Coile et al. (U. S. Patent 6,317,775) discloses system for distributing load over

multiple servers at an Internet site.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

    (703) 872-9306   (Official Communications; including After Final

                          Communications labeled "BOX AF")

    (703) 746-5619   (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
January 7, 2005